UNITED STATES PATENT AND TRADEMARK OFFICE

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10/768,431	01/30/2004	Deborah Lewandowski Barclay	LUC-463/Barclay 12-10-6-9	8752

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Carmen Patti Law Group, LLC
One N. LaSalle Street
44th Floor
Chicago, IL 60602

EXAMINER
AJIBADE AKONAI, OLUMIDE

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 June 2010*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 22-26* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-20 and 22-26* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June

29, 2010 has been entered.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

3.   Claims 1-17 and 22-26 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. Claim 1 claims a network

component can comprise a "biological storage medium". However, a "biological

medium" encompasses non-statutory material since it covers all kinds of biological

mediums such as plants, water, or human tissues/organisms, which do not fall under

any of the four categories under 35 U.S.C. § 101 deemed to be appropriate subject

matter of a patent: processes, machines, manufactures and compositions of matter

(See, e.g., Alapatt, 33 F.3d at 1342, 31 USPQ2d at 1556; In re Wamerdam, 33 F.3d

1354, 31 USPQ2d 1754, 1757 (Fed Cir. 1994)). Claim 1 is therefore directed to non-

statutory subject matter under 35 U.S.C. § 101. Claims 2-17 and 22-26 are rejected

under 35 U.S.C. § 101 by virtue of their dependency on claim 1.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1, 18, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by

Lin 20020025824.

Regarding **claim 1**, Lin discloses an apparatus, comprising: a network

component (see fig. 1, p.2, [0032]) operable to employ a) one or more call

characteristics to make a determination to initiate a request to a switch component for

one or more positions of one or more mobile stations (p.5, [0072]-[0073]; phone number

may be used, or a call requested, to thereby obtain a location information from a switch

(base station)) and b) one or more call parameters to identify one or more cellular

network cells associated with the one or more mobile stations (p.5, [0072]), wherein at

least one of the one or more call parameters employed to identify one of the one or

more cellular network cells is a telephony number of at least one of the one or more

mobile stations (initiating a call would necessitate a correct location, wherein calling a

phone results in obtaining location, the phone number called would be associated with a

location area identifier, see p.3-4, [0052]-[0054]); and wherein the network component is

operable to receive, in response to the request, the one or more positions of the one or

more mobile stations from a position component operable to determine the one or more

positions of the one or more mobile stations continuously (see p.5, [0071]-[0075],

especially [0073] wherein it indicates that the location is updated continuously); and

wherein the network component comprises one of a magnetic, optical, biological, or

atomic data storage medium (see fig. 1, p.2, [0032]).

Regarding **claim 18**, Lin discloses a method, comprising the steps of: initiating a

request from a network component to a switch component for one or more positions of

one or more mobile stations through employment of a) one or more call characteristics

(p.5, [0072]-[0073]; phone number may be used, or a call requested, to thereby obtain a

location information from a switch (base station)) and b) one or more call parameters to

identify one or more cellular network cells associated with the one or more mobile

stations (p.5, [0072]), wherein at least one of the one or more call parameters employed

to identify one of the one or more cellular network cells is a telephony number of at least

one of the one or more mobile stations (initiating a call would necessitate a correct

location, wherein calling a phone results in obtaining location, the phone number called

would be associated with a location area identifier, see p.3-4, [0052]-[0054]); receiving,

in response to the request, the one or more positions of the one or more mobile stations

(see p.5, [0071]-[0075], especially [0073] wherein it indicates that the location is

updated continuously); and determining the one or more positions of the one or more

mobile stations continuously (see p.5, [0071]-[0075], especially [0073] wherein it

indicates that the location is updated continuously); wherein the network component

comprises one of a magnetic, optical, biological, or atomic data storage medium (see

fig. 1, p.2, [0032]).

Regarding **claim 24** as applied to claim 1, Lin further discloses a network

component that that is operable to employ one or more call parameters to identify one

or more cellular network cells associated with the one or more mobile stations (see p.5,

[0071]-[0074]).

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Claim Rejections - 35 USC § 103

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6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   Claims 2-17, 19, 20, 23, and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Lin 20020025824** in view of **O'Donnell 6,266,514**.

Regarding **claim 2** as applied to claim 1, Lin discloses the claimed limitation

except discloses wherein the network component is operable to perform a comparison

of the one or more call characteristics with one or more thresholds to make the

determination to initiate the request for the one or more positions of the one or more

mobile stations.

In the same field of endeavor, O'Donnell discloses a network component

(base station controller BSC, see figs. 3, lines 33-38) operable to perform a comparison

of the one or more call characteristics (measurements are compared to specified

threshold values, signal strength, see col. 6, lines 6-23, 39-46) with one or more

thresholds (see col. 6, lines 6-23) to make the determination to initiate the request for

the one or more positions of one or more mobile stations (BSC requests for the position

of mobile station 4 if the signal strength falls below a specified threshold value, see figs.

3 and 4, col. 6, lines 6-38).

It would therefore have been obvious to one of ordinary skill in the art at

the time the invention was made to combine the teaching of O'Donnell into the system

of Lin by requesting for a position of a mobile device based on the RSSI of the mobile

station, for the benefit of identifying areas in a network with poor network coverage.

Regarding **claim 3** as applied to claim 2, Lin as modified by O'Donnell discloses

the claimed limitation. O'Donnell further discloses wherein the one or more call

characteristics comprise a pilot signal strength characteristic (signal strength, see col. 6,

lines 39-46), and wherein the one or more thresholds comprise a pilot signal strength

threshold (see col. 6, lines 6-23), and wherein the network component (base station

controller BSC, see figs. 3, lines 33-38) is operable to perform a comparison of the pilot

signal strength characteristic with the pilot signal strength threshold (measurements are

compared to specified signal strength threshold values, see col. 6, lines 6-23, 39-46);

and wherein the network component makes the determination to initiate the request for

the one or more positions of the one or more mobile stations based on a result of the

comparison of the pilot signal strength characteristic with the pilot signal strength

threshold (BSC requests for the position of mobile station 4 if the signal strength falls

below a specified threshold value, see figs. 3 and 4, col. 6, lines 6-38).

Regarding **claim 4** as applied to claim 2, Lin as modified by O'Donnell discloses

the claimed limitation. O'Donnell further discloses wherein the network component

(base station controller BSC, see figs. 3, lines 33-38) is operable to perform the one or

more call characteristics (signal strength, see col. 6, lines 39-46) to create one or more

call statistics (dropped calls see col. 6, lines 60-63), and wherein the one or more

thresholds comprise one or more call characteristic thresholds (see col. 6, lines 6-23)

and one or more call statistic thresholds (accumulation of dropped calls, see col. 6, lines

60-67, col. 7, lines 1-7); and wherein the network component is operable to perform a

comparison of the one or more call statistics with the one or more call statistic

thresholds (when dropped calls are identified, the positioning function of the BSC is

activated to determine the location of the mobile station, see col. 6, lines 60-67, col. 7,

lines 1-9); and wherein the network component is operable to perform a comparison of

the one or more call characteristics with the one or more call characteristic thresholds

(measurements are compared to specified signal strength threshold values, see col. 6,

lines 6-23, 39-46) and the comparison of the one or more call statistics with the one or

more call statistic thresholds to make the determination to initiate the request (when

dropped calls are identified, the positioning function of the BSC is activated to determine

the location of the mobile station, see col. 6, lines 60-67, col. 7, lines 1-9).

Regarding **claim 5** as applied to claim 2, Lin as modified by O'Donnell discloses

the claimed limitation. O'Donnell further discloses wherein the network component

(base station controller BSC, see figs. 3, lines 33-38) comprises an interface (inherent

since the BSC receives one or more quality characteristic threshold levels from the

operations and management center, OMC 1, thereby requiring that the BSC have an

interface to receive the threshold values from the OMC, see figs. 3 and 4, col. 3, lines

60-66), and wherein the network component is operable to receive the one or more

thresholds from a service provider (operations and management center, OMC 1, see

figs. 3 and 4, col. 3, lines 60-66) through employment of the interface (BSC receives

one or more quality characteristic threshold levels from the operations and management

center, OMC 1, see figs. 3 and 4, col. 3, lines 60-66).

Regarding **claim 6** as applied to claim 1, Lin as modified by O'Donnell discloses

the claimed limitation. O'Donnell further discloses wherein the network component

(base station controller BSC, see figs. 3, lines 33-38) is operable to employ the

determination to initiate the request to promote an avoidance of congestion in one or

more cellular network communication paths (automatically mapping the areas of poor

coverage helps in that minimal loading is required on the current system, see col. 7,

lines 36-47).

Regarding **claim 7** as applied to claim 6, Lin as modified by O'Donnell discloses

the claimed limitation. O'Donnell further discloses wherein the network component

(base station controller BSC, see figs. 3, lines 33-38) makes the determination to initiate

the request upon an exceedance of the one or more call characteristics relative to one

or more thresholds (BSC requests for the position of mobile station 4 if the signal

strength is above a specified threshold value, see figs. 3 and 4, col. 6, lines 6-38); and

wherein upon the exceedance of the one or more call characteristics relative to the one

or more thresholds, the network component and the position component (GPS receiver

220, see fig. 2, col. 5, line 6) are operable to cooperate to obtain the one or more

positions of the one or more mobile stations (see col. 4, lines 66-67, col. 5, lines 1-7).

Regarding **claim 8** as applied to claim 7, Lin as modified by O'Donnell discloses

the claimed limitation. O'Donnell further discloses wherein upon a termination of the

exceedance of the one or more call characteristics relative to the one or more

thresholds (see col. 5, lines 33-59), the network component (base station controller

BSC, see figs. 3, lines 33-38) and the position component (GPS receiver 220, see fig. 2,

col. 5, line 6) are operable to cooperate to discontinue attainment of the one or more

positions of the one or more mobile stations (see col. 5, lines 33-59).

Regarding **claim 9** as applied to claim 1, Lin as modified by O'Donnell discloses

the claimed limitation. O'Donnell further discloses wherein the network component

(base station controller BSC, see figs. 3, lines 33-38) is operable to employ the one or

more call characteristics (signal strength, see col. 6, lines 39-46) to perform a selection

of the one or more mobile stations from a plurality of mobile stations (mobile stations 4

transmit signal quality measurements to the BSC and if the measured signal strength is

below of above a threshold value, the BSC identifies the location of the associated

mobile station 9, see figs. 3 and 4, col. 6, lines 6-23), and wherein the network

component is operable to employ the selection to formulate the request for the one or

more positions of the one or more mobile stations from the plurality of mobile stations

(see figs. 3 and 4, col. 6, lines 6-23).

Regarding **claim 10** as applied to claim 1, Lin as modified by O'Donnell discloses

the claimed limitation. O'Donnell further discloses wherein the one or more mobile

stations (mobile stations 4, see fig. 3, col. 6, line 11) are associated with the one or

more cellular network cells (see col. 5, lines 60-67, col. 6, lines 1-5); and wherein the

network component (base station controller BSC, see figs. 3, lines 33-38) is operable to

employ the one or more call characteristics (signal strength, see col. 6, lines 39-46) to

perform a selection of the one or more cellular network cells from a plurality of cellular

network cells (mobile stations 4 transmit signal quality measurements to the BSC and if

the measured signal strength is below of above a threshold value, the BSC identifies the

location of the associated mobile station 9, see figs. 3 and 4, col. 5, lines 60-67, col. 6,

lines 1-23); and wherein the network component is operable to employ the selection to

formulate the request for the one or more positions of the one or more mobile stations

that are associated with the one or more cellular network cells (see figs. 3 and 4, col. 6,

lines 6-23).

Regarding **claim 11** as applied to claim 10, Lin as modified by O'Donnell

discloses the claimed limitation. O'Donnell further discloses wherein the network

component (base station controller BSC, see figs. 3, lines 33-38) is operable to employ

the switch component (mobile switching center MSC, see col. 5, lines 40-42) to identify

the one or more mobile stations that are associated with the one or more cellular

network cells (see col. 5, lines 32-49); and wherein the network component is operable

to employ the switch component to determine the one or more positions of the one or

more mobile stations that are associated with the one or more cellular network cells

(see col. 5, lines 32-49).

Regarding **claim 12** as applied to claim 1, Lin as modified by O'Donnell discloses

the claimed limitation. O'Donnell further discloses wherein the network component

(base station controller BSC, see figs. 3, lines 33-38) receives the one or more positions

of the one or more mobile stations in response to the request (mobile station transmits

location information to the BSC, see figs. 3 and 4, col. 6, lines 24-28); and wherein the

network component is operable to is operable to employ the one or more positions of

the one or more mobile stations and the one or more call characteristics to develop a

coverage map (the determined geographical can be mapped to provide a visual

representation of areas with poor coverage, see col. 4, lines 45-52).

Regarding **claim 13** as applied to claim 1, Lin as modified by O'Donnell discloses

the claimed limitation. O'Donnell further discloses the switch component (mobile

switching center MSC, see col. 5, lines 40-42) that provides the one or more call

characteristics (signal strength, see col. 6, lines 39-46) to the network component (base

station controller BSC, see figs. 3, lines 33-38), wherein the network component is

operable to employ the one or more call characteristics to make a determination to

initiate a request to the switch component (BSC requests for the position of mobile

station 4 if the signal strength falls below a specified threshold value, see figs. 3 and 4,

col. 6, lines 6-38); and wherein the switch component is operable to employ to obtain

the one or more positions of the one or more mobile stations based on the request to

the switch component (see col. 5, lines 33-49).

Regarding **claim 14** as applied to claim 13, Lin further discloses wherein the

network component (see fig. 1, p.2, [0032]) provides to the switch component one or

more call parameters (see p.5, [0071]-[0074]); wherein the switch component employ is

operable to employ the one or more call parameters to perform an identification of the

one or more mobile stations from a plurality of mobile stations; (see p.5, [0071]-[0074])

wherein the switch component is operable to employ the identification of the one or

more mobile stations from the plurality of mobile stations to obtain the one or more

positions of the one or more mobile stations (see p.5, [0071]-[0074]).

Regarding **claim 15** as applied to claim 14, Lin further discloses wherein the one

or more mobile stations are associated with one or more calls (see p.5, [0071]-[0074]);

wherein the switch component is operable to employ the one or more call parameters to

perform an identification of the one or more calls from a plurality of calls (see p.5,

[0071]-[0074]); wherein the switch component employs the identification of the one or

more calls from the plurality of calls to obtain the one or more positions of the one or

more mobile stations that are associated with the one or more calls (see p.5, [0071]-

[0074]).

Regarding **claim 16** as applied to claim 13, Lin as modified by O'Donnell

discloses the claimed limitation. O'Donnell further discloses wherein the network

component (base station controller BSC, see figs. 3, lines 33-38) and the switch

component (mobile switching center MSC, see col. 5, lines 40-42) are operable to receive the one or more positions of the one or more mobile stations from the position component (the MSC and BSC receive the current location of the mobile station, see col. 5, lines 33-49, col. 6, lines 38); and wherein the network component and the switch component are operable to cooperate to develop a coverage map through employment of the one or more positions of the one or more mobile stations (see col. 5, lines 49-52, col. 6, lines 32-38).

Regarding **claim 17** as applied to claim 16, Lin as modified by O'Donnell discloses the claimed limitation. O'Donnell further discloses wherein the position component (GPS 220, see fig. 2, col. 5, line 6) is operable to employ one or more of an Enhanced Forward Link Trilateration algorithm and an 1S-80l solution using an Assisted Global Positioning System (AGPS), Advanced Forward Link Trilateration (AFLT) or combined AGPS/MLT algorithm to determine the one or more positions of the one or more mobile stations (the position of the mobile station can be determined using the GPS receiver in the mobile station or by employing triangulation, see col. 5, lines 2-19, col. 6, lines 24-32).

Regarding **claim 19**, as applied to claim 18, Lin discloses the claimed limitation, but does not specifically disclose wherein the step of initiating the request from the network component to the switch component for the one or more positions of the one or more mobile stations through employment of the one or more call characteristics further comprises the steps of: performing a comparison of the one or more call characteristics

with one or more thresholds, and initiating the request for the one or more positions of

the one or more mobile stations based on the comparison.

In the same field of endeavor, O'Donnell further discloses wherein the

step of initiating the request from the network component to the switch component for

the one or more positions of the one or more mobile stations through employment of the

one or more call characteristics further comprises the steps of: performing a comparison

of the one or more call characteristics with one or more thresholds (BSC requests for

the position of mobile station 4 if the signal strength falls below a specified threshold

value, see figs. 3 and 4, col. 6, lines 6-38), and initiating the request for the one or more

positions of the one or more mobile stations based on the comparison (BSC requests

for the position of mobile station 4 if the signal strength falls below a specified threshold

value, see figs. 3 and 4, col. 6, lines 6-38).

It would therefore have been obvious to one of ordinary skill in the art at

the time the invention was made to combine the teaching of O'Donnell into the system

of Lin by requesting for a position of a mobile device based on the RSSI of the mobile

station, for the benefit of identifying areas in a network with poor network coverage.

Regarding **claim 20**, as applied to claim 19, Lin as modified by O'Donnell

discloses the claimed limitation. O'Donnell further discloses wherein the step of initiating

the request from the network component to the switch component for the one or more

positions of the one or more mobile stations based on the comparison further comprises

the steps of: determining the one or more call parameters (BSC compiles the mobile

station identification, see col. 6, lines 32-35) associated with the one or more thresholds

(see col. 6, line 32-38), identifying the one or more mobile stations from a plurality of mobile stations through employment of the one or more call parameters (see col. 6, line 32-38); and initiating the request for the one or more positions of the one or more mobile stations through employment of the one or more call parameters (BSC requests for the position of mobile station 4 if the signal strength falls below a specified threshold value, see figs. 3 and 4, col. 6, lines 6-38).

Regarding **claim 23** as applied to claim 5, Lin as modified by O'Donnell discloses the claimed limitation. O'Donnell further discloses wherein the thresholds provide a measure of a quality of service provided to the one or more mobile stations (visual representation of service levels, see col. 6 lines 33-39).

Regarding **claim 25** as applied to claim 1, Lin discloses the claimed limitation except wherein the network component limits a number of requests for the one or more positions of the one or more mobile stations based upon a comparison of the one or more call characteristics with one or more thresholds. However, O'Donnell further discloses wherein the network component limits a number of requests for the one or more positions of the one or more mobile stations based upon a comparison of the one or more call characteristics with one or more thresholds (limiting the number of requests made by the BSC for the position of mobile stations by adjusting the threshold levels of the signal strength in the cells such that the number of requests is limited based on increasing/decreasing the specified signal quality threshold of the cells, see col. 5, lines 52-67, col. 6, lines 1-28)

8.   Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Lin**

20020025824 in view of **O'Donnell 6,266,514** as applied to claim 16 above and further

in view of **Alperovich et al 6,233,448 (hereinafter Alperovich**).

Regarding **claim 22** as applied to claim 16, Lin as modified by O'Donnell,

discloses the claimed limitation except wherein the position determination component is

pre-provisioned with one or more intervals of time to determine the one or more

positions of the one or more mobile stations.

Alperovich, however, discloses a position determination component that is

pre-provisioned with one or more intervals of time to determine the one or more

positions of the one or more mobile stations (see fig. 1, col. 3, lines 29-64).

It would therefore have been obvious to one of ordinary skill in the art at

the time the invention was made to combine the teaching of Alperovich into the system

of Lin as modified by O'Donnell for the benefit of determining the current position of a

mobile station.

9.   Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over over **Lin**

20020025824 in view of **O'Donnell 6,266,514** as applied to claim 4 above, and further

in view of **Powers et al 6,832,086 (hereinafter Powers**).

Regarding **claim 25** as applied to claim 4, Lin as modified by O'Donnell disclose

the claimed limitation except wherein on of the one or more call statistics is a number of

dropped calls within an hour.

In the same field of endeavor, Powers discloses a network component that

create call statistics, wherein the call statistics is a number of dropped calls within an

hour (BSC determining a number of dropped calls within an hour, see figs. 1-4, col. 5, lines 25-31).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Powers, by using the BSC to determine a number of dropped calls within an hour in a cell/area, into the system of Lin as modified by O'Donnell for the benefit of benefit of taking corrective/preventive action in the cell/area to reduce the number of dropped calls in the cell/area.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olumide T Ajibade-Akonai/
Examiner, Art Unit 2617